

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

DYLAN J. SPARKMAN,

Plaintiff,

v.

MEIGHAN ROBBINS, CHRISTINE
SLAUGHTER, MYRON BEESON,
and REGINALD MICHAEL,

Defendants.

CV-18-39-H-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this case on October 31, 2018. (Doc. 8.) Judge Johnston recommended that this case be dismissed with prejudice for failure to state a claim. (Doc. 8 at 46.) Judge Johnston recommended that the Clerk of Court close this matter and enter judgment in favor of Defendants Meighan Robbins, Christine Slaughter, Myron Beeson, and Reginald Michael pursuant to Federal Rule of Civil Procedure 58. (Doc. 8 at 17.) Judge Johnson further recommended that the Clerk of Court have the docket reflect that pursuant to Federal Rule of Appellate Procedure

24(a)(3)(A) any appeal would not be taken in good faith. (Doc. 8 at 17.) Judge Johnstone also recommended that the Clerk of Court have the docket reflect that this dismissal constitutes a strike pursuant to 28 U.S.C. § 1915(g). (Doc. 8 at 17.)

Neither party filed objections. The Court reviews findings and recommendations not objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 8) are ADOPTED IN FULL.

IT IS ORDERED that Sparkman’s Complaint (Doc. 2) is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court shall close this matter and enter judgment in favor of Defendants pursuant to Federal Rule of Civil Procedure 58.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that the Court certifies pursuant to Federal Rule of Appellate Procedure 24(a)(3)(S) that any appeal of this decision would not be taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that this dismissal constitutes a strike pursuant to 28 U.S.C. § 1915(g).

DATED this 18th day of December.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris
United States District Court Judge